

**ATTORNEY'S DOCKET NUMBER: 0492611-0506 (MIT 9926)**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Chen, *et al.* Examiner: McGarry, Sean  
Serial Number: 10/674,159 Art Unit: 1635  
Filed: September 29, 2003  
Title: "Influenza Therapeutic"

Mail Stop: Amendment  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE TO NON-RESPONSIVE REPLY**

Applicant hereby responds to the Notice of Non-Responsive Reply issued December 31, 2007 in the above-referenced case and reiterates that, as set forth in each of the last two Responses, the claims elected for examination in this case are:

Claims 39-48, 64, 65, 69, 97, and 182.

Applicant further requests that these claims be treated as an elected species and that claims 49-58 be rejoined once the examined claims are found to be allowable.

Applicant further requests that the Examiner remove or clarify the status of this case as "special" under the accelerated examination program, as accelerated examination has not been requested for this case.

Applicant further submits that, should the Examiner continue to be confused by Applicant's election, a phone call rather than another Notice would provide rapid resolution.

Please charge any necessary fees or credit any overpayments to our Deposit Account No. 03-1721.

Respectfully submitted,

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